

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JON R. DEUTSCH  
Plaintiff,

v.

ROY HENRY  
Defendant

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CIVIL ACTION NO. 1:15-CV-490-LY

JON R. DEUTSCH,  
Plaintiff,

v.

DRAKER ENTERPRISES, INC.,  
Defendant

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CIVIL ACTION NO. 1:15-CV-00807-LY

JON R. DEUTSCH  
Plaintiff,

v.

CHIWAWA, INC.,  
Defendant

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CIVIL ACTION No. 1:15-CV-1238-LY

JON R. DEUTSCH,  
Plaintiff,

v.

CHRIS D. and RONI CLARK,  
Defendants

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CIVIL ACTION NO. 1:16-CV-88-LY

JOHN DEUTSH,  
Plaintiff,

v.

LA TIERRA DE SIMMONS  
FAMILIA, LTD.,  
Defendant

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CIVIL ACTION NO. 1:15-CV-901-RP

JON R. DEUTSCH  
Plaintiff,

v.

PHIL'S ICEHOUSE, INC.  
Defendant

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CIVIL ACTION NO. 1:15-CV-974-RP

### **MOTION TO AMEND ORDER GRANTING SANCTIONS**

Pursuant to Federal Rules of Civil Procedure 59(e) and 60(a), the Defendants in each of the respective six captioned cases above respectfully ask the Court to modify its order on sanctions, filed Mary 29, 2017, to clarify that liability for the sanctions lays only against Plaintiff's counsel, and not jointly and severally against Plaintiff himself, in each of the six cases above, consistent with page 28 of the U.S. Magistrate Judge's December 7, 2015 order.<sup>1</sup>

This motion also seeks to clarify a clerical error in that the order refers to five cases in the caption, whereas there are six cases.

Attached is a proposed order.

Dated: March 31, 2017.

Respectfully submitted,

/s/ James C. Harrington

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<sup>1</sup> "The undersigned then made some specific findings based on the testimony and evidence provided at the hearing. Specifically, the undersigned found that Rosales had conducted himself in bad faith throughout the litigation of these six cases .... Based on the evidence presented, including Rosales' statement that all charged conduct was his alone, the undersigned did not make a "bad faith" finding as to Deutsch." Order, December 7, 2016, p. 28).

/s/ Charles Herring, Jr.

Charles Herring, Jr.

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CO-COUNSEL FOR DEFENDANTS,

CHRIS D. and RONI CLARK, DRAKER

ENTERPRISES, INC., and ROY HENRY

ATTORNEY FOR DEFENDANTS

IN THIS CONSOLIDATED FILING

#### CERTIFICATE OF CONFERENCE

I certify that, on March 31, 2017, I sent a copy of this motion to Plaintiff's counsel earlier this day at 12:43pm; but counsel has not responded, even though the motion and order would be to his client's benefit.

/s/ James C. Harrington

James C. Harrington

#### CERTIFICATE OF SERVICE

I certify that, on March 31, 2017, I electronically filed the foregoing with this Court using the CM/ECF system, which will send notification of such filing to Plaintiff's counsel, Omar W. Rosales. I also served opposing counsel via e-mail at [talon\\_eye@yahoo.com](mailto:talon_eye@yahoo.com).

/s/ James C. Harrington

James C. Harrington